

## **REMARKS**

In response to the above-identified Office Action, Applicant seeks reconsideration in view of the following remarks and the amendments reflected in the claim listing above. No new matter has been added.

### **I. Claim Rejections – 35 U.S.C. §102**

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,519,068 (“Krebs”). This rejection is respectfully traversed. Applicant respectfully submits that Krebs does not include each and every element of claim 1 as amended.

Krebs generally relates to a controller that sends messages to portable radios, and is primarily directed at a way of sending variable length messages to a large number of radios (see, e.g., Objects and Summary section). The Examiner argues that the general communications controller (GCC) shown in Fig. 1 of Krebs is “substantially the same as the claimed data switching hub because the GCC routes message signals to selected CCM based on the location of portable radio . . .” and each mobile station then compares the address information to know whether to process data or not. The Examiner also notes that such operation is commonly known as “broadcasting.”

Krebs does not disclose a “wireless data communications standard protocol” as that term is used in the present application. Furthermore, Krebs deals with direct communication from a base station to a number of radios, without the use of an intervening access point or anything that functions as an access point. The central controller of Krebs may send data communications to mobile devices independent of a destination address, but there is no access point providing that function. In fact, the Examiner does not specifically point out an access point element in Krebs. While Krebs does indeed involve conventional broadcasting, the present invention does not, as it is focused on incorporating certain functionality of traditional access points into a centralized server.

Accordingly, as Krebs fails to disclose at least these elements of claim 1, Applicant respectfully requests that the Section 102 rejection be withdrawn.

## **II. Claim Rejections – 35 U.S.C. §103**

Claims 2, 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Krebs in view of U.S. Pat. No. 5,926,463 (“Ahearn”). This rejection is respectfully traversed.

No combination of Krebs with the cited art would include each and every element of the independent claims as amended. For example, as mentioned above, Krebs is a radio broadcast system that fails to disclose a switching hub or a plurality of access points as those terms are used in the claims, and therefore does not disclose the incorporation of traditional access point functionality into a switching hub.

At the time of this invention, wireless communication standards such as the 802.11 series of standards exclusively used access points with a specified set of functionality, including the functionality pertaining to selectively sending transmissions to the appropriate remote unit. In accordance with the present invention, the inventor realized that, due to the increasing need for applications that must support a high volume of data communications from a large number of users simultaneously, the number of access points in a given wireless network (e.g., a network conforming to a standard that traditionally included such functionality in an access point) would increase significantly, leading to undesirable cost and complexity (see, e.g., Background, Par. [0001]-[0005]). Applicant notes that this is evidenced by the fact that, to his knowledge, at the time of the invention nobody offered for sale an 802.11 access point that did *not* include the ability to forward communications to mobile units “independently of destination address data in said communications that identify a mobile unit” as recited in claims 1 and 8. One of ordinary skill in the art with the level of knowledge available at the time the invention was made would not have appreciated the benefits of moving a subset of the traditional access point functionality specified in a standard (e.g., the IEEE 802.11 specification) to a switching hub. The inventor was clearly proceeding contrary to accepted wisdom. MPEP 2145(X)(D)(3).

Accordingly, Applicants respectfully submit that neither Krebs nor Ahearn, taken alone or in combination with any other art or record, would not include each and every element of the independent claims as currently amended, and furthermore that there is no motivation to combine this reference with the prior art. As the remaining claims variously depend from the independent claims, these claims are also non-obvious for at least the reasons set forth above. Applicants

therefore request that the Section 103 rejections be withdrawn.

### **III. Conclusion**

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (480) 385-5060 or dpote@ifllaw.com.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,  
Ingrassia, Fisher & Lorenz

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